

1 Scott A. Kronland (SBN 171693)
2 Barbara J. Chisholm (SBN 224656)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
3 San Francisco, CA 94108
4 Telephone: (415) 421-7151
Facsimile: (415) 360-8064
5 E-mail: skronland@altber.com
E-mail: bchisholm@altber.com

7 Robert Post (SBN 111917)
8 David Boies Professor of Law
YALE LAW SCHOOL
9 P.O. Box 208215
New Haven, CT 06520
10 Telephone: (203) 432-4946
Facsimile: (203) 432-1040
11 Email: Robert.Post@yale.edu

12 | *Attorneys for Amici Curiae Robert Post,
Jennifer L. Pomeranz, and Kelly D. Brownell*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**CALIFORNIA RESTAURANT
ASSOCIATION,**

17 Plaintiff,

18

19 THE CITY AND COUNTY OF SAN
20 FRANCISCO and THE SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH.

Defendants.

-) Case No. CV-08-3247CW
)
) UNOPPOSED MOTION OF
) PROFESSOR ROBERT POST OF
) YALE LAW SCHOOL, AND
) JENNIFER L. POMERANZ AND
) KELLY D. BROWNELL OF THE
) RUDD CENTER FOR FOOD POLICY
) AND OBESITY AT YALE
) UNIVERSITY FOR LEAVE TO FILE
) BRIEF AS *AMICI CURIAE* IN
) SUPPORT OF DEFENDANTS AND IN
) OPPOSITION TO PLAINTIFF'S
) MOTION FOR DECLARATORY
) RELIEF AND PRELIMINARY
) INJUNCTION
)
) Date: September 4, 2008
) Time: 9 a.m.
) Judge: Claudia Wilken
) Location: Courtroom 2

1 Pursuant to Local Rule 7-11, Professor Robert Post, Jennifer L. Pomeranz, and Kelly D.
 2 Brownell (collectively, “amici”) hereby move this Court for an order allowing them to file a brief
 3 as *amici curiae* in support of Defendants and in opposition to Plaintiff’s Motion for Declaratory
 4 Relief and a Preliminary Injunction.

5 This motion for leave to file is unopposed. Amici sought and received consent from both
 6 parties, through their respective counsel, to file this *amicus* brief.

7 Amici believe their brief will aid the Court in its consideration of the legal issues raised
 8 in Plaintiff’s Motion for Declaratory Relief and Preliminary Injunction. In particular, the
 9 proposed *amicus curiae* brief addresses the First Amendment issues presented by this case.

10 Amici have significant experience with menu labeling ordinances such as San
 11 Francisco’s, and considerable expertise on the constitutional status of commercial speech.
 12 Robert Post, J.D., Ph.D., is the David Boies Professor of Law at Yale University Law School.
 13 He is one of the nation’s preeminent First Amendment scholars and has contributed and edited
 14 numerous books and authored over 80 law review articles, including: *Transparent and Efficient*
 15 *Markets: Compelled Commercial Speech and Coerced Commercial Association in United Foods,*
 16 *Zauderer, and Abood*,” 40 Valparaiso U. Law Rev. 555 (2006); *Compelled Subsidization of*
 17 *Speech: Johanns v. Livestock Marketing Association*, 2005 Supreme Court Rev. 195 (2005); and
 18 *The Constitutional Status of Commercial Speech*, 48 UCLA Law Rev. 1 (2000). Amicus Post is
 19 a key advisor to the Rudd Center for Food Policy and Obesity at Yale University (“Rudd
 20 Center”).

21 Jennifer L. Pomeranz, J.D., M.P.H., is the Director of Legal Initiatives at the Rudd Center
 22 and has worked extensively on implementing, defending, and supporting menu labeling
 23 legislation across the country.

24 Kelly D. Brownell, Ph.D., is the Director of the Rudd Center and is a professor in the
 25 Department of Psychology at Yale University, where he also serves as Professor of
 26 Epidemiology and Public Health. Amicus Brownell has published 14 books and more than 300
 27 scientific articles and chapters.

In light of the fact that this motion is unopposed, and for good cause shown, amici respectfully request that the Court grant their motion for leave to file a brief as *amici curiae*.

Dated: July 31, 2008

Respectfully submitted,

/s/ Barbara J. Chisholm

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Attorneys for Amici Curiae Robert Post, Jennifer L. Pomeranz, and Kelly D. Brownell